HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24726 OF 2006

Between:

M. Sudhakar, IFS

..... Petitioner

AND

The Government of Andhra Pradesh,
Rep. by the Chief Secretary,
G.A.D.,Hyderabad & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri K. Sudhakar Reddy

Counsel for respondent Nos. 1 and 2 : Government Pleader for Services-II

Dated: 03.01.2007

Per G.S.SINGHVI, CJ

This is a petition for setting aside order dated 07.11.2006 passed by the Central Administrative Tribunal, Hyderabad Bench (for short 'the Tribunal') in O.A.No.679 of 2006, whereby the Tribunal declined the petitioner's prayer for quashing charge sheet dated 27.07.2005.

On 28.12.2006, we had, after hearing learned counsel for the parties, passed the following order:

> " Sri K. Sudhakar Reddy for the petitioner. Government Pleader for Services I for respondent Nos.1 ad 2. Government Pleader for Forests for respondent No.3.
>
> Heard learned counsel for the parties at length and perused the record.
>
> Ordinarily, we would have refrained from exercising jurisdiction of this Court under Article 226 of the Constitution of India to interfere with what appears to be an innocuous order passed by the Central Administrative Tribunal, Hyderabad Bench, which declined to entertain the petitioner's prayer for declaring the departmental enquiry pending against him as abandoned, but keeping in view the fact that enquiry officer has not been appointed for the last one year and almost five months and this is the position despite unequivocal direction given by the Tribunal on 3.3.2006, we think it proper to entertain the writ petition and call upon respondent Nos. 1 and 2 to explain as to why enquiry officer has not been appointed for this long and who is responsible for this grave lapse.
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> We can take judicial notice of the existence of leg pullers' association in various cadres of the Government. Members of such association become active in creating evidence and records against senior officers, so that juniors can get promotion and sealed cover procedure is adopted qua senior

person. These persons manipulate continued pendency of enquiry against senior officers for years together and even after exoneration, the senior officer does not get his due.

For further arguments, the case be listed on 3.1.2007.

Learned Government Pleader should get in touch with the concerned officers and disclose why enquiry officer has not been appointed for a period of one year and five months."

Today, the learned Government Pleader for Services-II placed before the Court copy of order dated 30.12.2006 issued by the Government of Andhra Pradesh appointing Smt. Chandana Khan, Commissioner of Inquiries, General Administration Department as the inquiring authority to inquire into the charges levelled against the petitioner. He also made a statement that efforts will be made to complete the proceedings of inquiry as early as possible.

In our opinion, the appointment of the inquiry officer has removed the substantive grievance of the petitioner namely undue delay in the finalization of the inquiry proceedings and it is not necessary to pass any other order in the writ petition, which is disposed of as infructuous.

As a sequel to disposal of the writ petition as infructuous, W.P.M.P.No.31633 of 2006 filed by the petitioner for interim relief is also disposed of as infructuous.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

03.01.2007
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